

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-22317-CIV-ALTONAGA/Damian

NELSON FERNANDEZ,

Plaintiff,

v.

**BOSTON MARKET
CORPORATION,**

Defendant.

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ORDER

THIS CAUSE came before the Court on Plaintiff Nelson Fernandez's Motion for Default Final Judgment [ECF No. 11], filed on July 31, 2023. The Court has carefully considered the Motion, the record, and applicable law. For the reasons set forth in the Court's Order [ECF No. 12] granting the Motion in part, it is

ORDERED AND ADJUDGED that judgment is entered in favor of Plaintiff, Nelson Fernandez and against Defendant Boston Market Corporation as follows:

1. The Court declares and finds that Defendant's website, <https://www.bostonmarket.com> ("Website"), which acts as a point of sale for Defendant's food and beverages that are also sold in and from Defendant's physical restaurants, contains access barriers and is not fully and equally accessible to blind and visually disabled users such as Plaintiff, in violation of Title III of the Americans with Disabilities Act, 42 U.S.C. sections 12181–12189.

2. Within six (6) months of the date of this Order, Defendant shall not deny any individuals with disabilities, including Plaintiff, the opportunity to access, participate in, and


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benefit from the goods, services, facilities, privileges, advantages, programs, activities, and accommodations provided through its Website. The Website must be accessible by individuals with disabilities who use computers, laptops, tablets, and smart phones.

3. Within six (6) months of the date of this Order, Defendant shall not provide individuals with disabilities, including Plaintiff, an unequal opportunity to access, participate in, and benefit from the goods, services, facilities, privileges, advantages, programs, activities, and accommodations provided through its Website. The Website must be accessible by individuals with disabilities who use computers, laptops, tablets, and smart phones.

8. If Plaintiff believes Defendant has violated this Order, Plaintiff shall give written notice (including reasonable particulars) to Defendant of such violation. Defendant shall have thirty (30) calendar days from receipt of the written notice to investigate and correct any alleged violations. If Defendant fails to correct the violations, Plaintiff may then seek relief from the Court.

DONE AND ORDERED in Miami, Florida, this 17th day of August, 2023.


CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

cc: counsel of record

Boston Market Corporation c/o its Registered Agent:
C T CORPORATION SYSTEM
1200 South Pine Island Road
Plantation, FL 33324

Jignesh Pandya (Jay), President
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